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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,132	03/26/2004	Gunter Gray Matt	065424-9092	3806

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,132	MATT ET AL.	
	Examiner	Art Unit	
	David E. Bochna	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4, 5, 12, 16-20, 25 and 26 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 3, 6-11, 13-15, 21-24 and 27-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 33-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 1/9/06.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter recited in claims 6, 16, 19 and 26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3679

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-13, 16 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 12, it is unclear how there can be a “third radial shoulder” when a second radial shoulder has not yet been claimed.

In regard to claim 13, it is unclear how there can be a third and fourth bolt hole when a second bolt hole has not yet been claimed.

In regard to claim 16, it is unclear how the pipe can have two fluid paths that end in a radial shoulder. Also, it is unclear how there can be a third radial shoulder when a second radial shoulder has not been claimed. Is the “a third radial shoulder” the same “a third radial shoulder” recited in claim 12?

In regard to claim 21, it is unclear how there can be a third and fourth bolt hole when a second bolt hole has not yet been claimed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3679

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 12, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan '236.

In regard to claim 1, Sloan discloses a fluid distribution system comprising;
a hollow pipe section C having at least one bore A extending longitudinally therethrough;
at least one longitudinal boss F2 extending along the pipe section and positioned about
the bore;

an end fitting I' comprising:
a hollow body K configured to be received in the bore;
a shoulder I' extending radially from the body and configured to abut against an end
surface of the pipe section;
at least one bolt hole J extending through the shoulder and configured to align with the at
least one longitudinal boss; and
at least one fastener extended through the at least one bolt hole and secured in the at least
one boss; and
a secondary component D configured for attachment to the end fitting.

In regard to claim 2, wherein the body has an outer diameter substantially equal to an
inside diameter of the bore.

In regard to claim 4, the bore has a diameter and the shoulder I' has an outside diameter
greater than the bore diameter.

In regard to claim 5, wherein the shoulder I' has a first planar surface configured to abut against the end surface F2 of the pipe section and a second planar surface opposite the first planar surface and configured to abut against the secondary component.

In regard to claim 12, the secondary component includes a pipe portion with a third radial shoulder D' extending from the pipe section.

In regard to claim 18, the pipe portion C includes a smooth hollow pipe.

In regard to claim 19, the pipe portion includes a threaded D2 hollow pipe.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Wendel. Sloan discloses the use of a straight pipe, but not a T or elbow. Wendel teaches that straight pieces of pipe, Ts and Elbows are well known equivalent pieces of pipe that can be used together in a piping system. Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the art to substitute one for the other in the system of Sloan. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Quevedo del Rio. Sloan discloses the secondary component as a pipe D, but not as a plate configured to cover the bore. Quevedo del Rio teaches that pipes (68 in fig. 2) and plates (22 in

Art Unit: 3679

fig. 1) are well known equivalents in the art. Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the art to substitute one for the other in the system of Sloan. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

10. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Stafford. Sloan discloses a flanged expansion joint that can be quickly and easily assembled, but does not disclose that the bosses are threaded. Stafford teaches using a threaded boss 14 and tapping fastener 15', which reduces the part count needed to assemble the joint, thereby improving the ease in which the joint can be assembled. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the boss of Sloan to include a thread, as taught by Stafford, in order to make the joint easier to assemble by reducing the number of parts need to make up the joint.

Allowable Subject Matter

11. Claims 3, 6-11, 13-15, 21-24 and 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

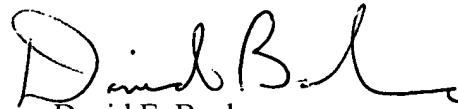
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

David E. Bochna
Primary Examiner
Art Unit 3679